

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

|                                  |   |                                    |
|----------------------------------|---|------------------------------------|
| CITIBANK, N.A., AS TRUSTEE,      | ) |                                    |
|                                  | ) |                                    |
| Plaintiff,                       | ) |                                    |
|                                  | ) |                                    |
| v.                               | ) | Civil Action No. 4:05-CV-40045-FDS |
|                                  | ) |                                    |
| JOHN P. PHELAN, WENDY M. PHELAN, | ) |                                    |
| THE UNITED STATES OF AMERICA,    | ) |                                    |
| O'CALLIGHAN CONSTRUCTION         | ) |                                    |
| COMPANY, AND THE                 | ) |                                    |
| COMMONWEALTH OF                  | ) |                                    |
| MASSACHUSETTS' DEPARTMENT OF     | ) |                                    |
| REVENUE                          | ) |                                    |
|                                  | ) |                                    |
| Defendants, and                  | ) |                                    |
|                                  | ) |                                    |
| DAVID LA BRIE,                   | ) |                                    |
|                                  | ) |                                    |
| Defendant and Cross-Claimant     | ) |                                    |

**Defendant and Cross-Claimant David La Brie's Certification**

The undersigned confirm that Mr. La Brie and his counsel have conferred (1) with a view to establishing a budget for the costs of conducting the full course — and various alternative courses — for the litigation; and (2) to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

/s/ William M. Palmer

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ATTORNEY FOR DEFENDANT AND  
CROSS-CLAIMANT DAVID LA BRIE

/s/ David La Brie

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David La Brie  
DEFENDANT AND CROSS-CLAIMANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this document was served by first-class mail on this 24<sup>th</sup> day of August on David M. Rosen, Esq.; Harmon Law Offices, P.C.; 150 California Street; Newton, MA; 02458, and on John J. Curley, Esq.; McEvilly & Curley; 48 West Street; Leominster, MA; 01453.

/s/ William M. Palmer

August 24, 2005

WILLIAM M. PALMER

DATED